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10/595,554	04/27/2006	Massimo Sensini	72214	2736

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EXAMINER	
MILLER, SAMANTHA A	
ART UNIT	PAPER NUMBER
3749	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/595,554	SENSINI, MASSIMO	
	Examiner	Art Unit	
	SAMANTHA A. MILLER	3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Receipt of applicant's amendment filed on 11/08/07 is acknowledged

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by KOSLOWSKI (DE 2702214 A). KOSLOWSKI teaches in the specification and Figs. 1-2 an invention in the same field of endeavor as applicant's invention that is described in the applicant's claims. For page and paragraph reference please refer to the enclosed English translation from the European Patent Office website.

KOSLOWSKI teaches:

1) Apparatus for the air circulation in double-glazed thermoinsulated walls, including at least an internal glass pane (4) and a external glass pane (5), said internal glass pane being positioned parallel to said external glass pane such that said internal glass pane and second external glass pane define a space (8), an air inlet opening (opening at 17 and 13, Fig.1) exclusively in communication with said space (as explained p.1 para.7 of the Description, "…depending upon the prevailing outside

temperature **either** the room air or outside air is introduced into the window interior". This proves the inlets are selective, but perfectly capable of only the inlet opening to the interior to be open to the space between the panes.), said air inlet opening being located at the bottom of said internal pane of glass (Fig.1) (p.3 para.10-11); an air outlet opening (23), in communication with the outside environment and located at the top of said external glass pane (Fig.1); a tangential fan (22) of reduced size extending substantially the full length of one of the thermoinsulated walls (1), said tangential fan being located within a fan housing (21) (p.3 para.12-13 and p.4 para.1), defined at the top of said space, said tangential fan having a longitudinal opening (19) in communication with said space (Fig.1) , for air intake from the inside environment, said fan being actuated such that air flows from said inside environment exclusively through said inlet opening into said space and exits into said outside environment via said outlet opening, whereby said space has a temperature equal to a temperature of said inside environment (p.4 para.3 of the Description discuss the column of air being "temperature-neutral" which Examiner considers to be room temperature, further p.3 para.7 says that "as a rule either the outside of the internal (inlets) will however anyway be always locked", which means that when the outside inlet is closed only room temperature air is vented through as described on p.2 para.1). A motor (inherent to start fan 22) for actuating said tangential fan (22); a sensor detecting hygrothermal conditions of the air drawn in through said inlet opening via said tangential fan, said motor controlling a rotational speed of said tangential fan based on said hygrothermal conditions of said air detected via said sensor (the thermostat is automatic and

connected the ventilation fan sucking system, p.2 para.7 and p.4 para.2-4) (It is noted that since temperature is one of the conditions related to relative humidity, the thermostat senses the hygrothermal conditions).

2) The fan is suited to be driven at low rotational speed by an electrical motor drive fitted at an end of said housing (Fig.1, shows flap (25) in a open position while fan (22) is sucking air and air entering at (24) which means the motor of the fan must be running and a low speed).

3) A portion of said sensor extends within said space (p.2 para.7, the slidegate valves are located on the exterior and the inside of the space (8) and the thermostat adjusts the valve by a steered drive which then is located on the on the exterior and inside of the space).

4) The fan housing defines a fan outlet opening, said outlet opening being closed via a swinging closing member (25) for preventing air (from outside) from flowing back to the interior environment when said fan is not operative (Fig.1) (p.3 para.13-p.4 para.1).

5) The fan housing is defined by a substantially cylindrical sector (of box 48) shaped by a bearing element (Fig.2) provided, in assembled setting, with a longitudinal opening (19) turned to said space for the air intake through the space, and with an opposed opening (23) for the air outlet to the outside.

6) The bearing element (11) is removably constrained to a frame (3) (Fig.1) which is steadily fixed peripherally to one of said thermoinsulated walls (1).

7) The frame (3) is steadily fixed to a spacing means (36) fitted between said second external pane of glass and an intermediate pane of glass (Fig.2), said second external pane being parallel to the intermediate pane such that said second external pane and said intermediate pane define a room inside the space (Fig.1) (p.1 para.8), which is turned to the outside, for the insertion of a dimming element.

8) The frame (3) is provided with an opening (24) turned to the inside, at the top of said space, and with an opposite external hole (23) for the air outlet, said opening and said external hole longitudinally extending to substantially the full length of the same frame (Fig.2)).

9) The opening turned to the inside of said frame is closed by a removable inspection door (6) said inspection door defining a lower groove for engaging an upper edge of said internal pane of glass by the interposition of a gasket means (glass (4) sealed by (6) exhibiting gasket means), said inspection door defining a curved portion (curved fingers of (6), Fig.1) for engaging a corresponding folded edge (bottom of 3, Fig.1) of the frame, said sensor being connected to said inspection door such that a portion of said sensor extends within said space (p.2 para.7, the slidegate valves are located on the exterior and the inside of the space (8) and the thermostat adjusts the valve by a steered drive which then is located on the on the exterior and inside of the space)..

10) A modular covering element (32) is fitted externally to said frame (3) said modular covering element extending the full length of said thermoinsulated wall (1), said

modular covering element defining a lower longitudinal opening (50) for the air outlet (Fig.2) (p.4 para.7).

11) The bearing element is constituted by a light metal section (p.4 para.11).

Regarding claims 12-16 and 18-19, please refer to the rejections of claims 1-11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over KOSLOWSKI in view of SHAH (2002/0113132).

KOSLOWSKI teaches the invention as stated above. However KOSLOWSKI does not teach sensing an increased amount of moisture in the air.

SHAH teaches:

17. The sensors (humidity and temperature sensor in the thermostat) detect an increased amount of moisture in the air (SHAH, Claim 19).

20. The plurality of sensors detect an increased humidity content in the air, said hygrothermal conditions of the air including temperature of the air and humidity of the air.

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the thermostat of KOSLOWSKI in view of the humidity sensor of SHAH in order to remove humidity from the air as well as cool it (SHAH, para.0002).

Response to Arguments

Applicant's arguments filed 4/22/2008 have been fully considered but they are not persuasive.

Applicant contends that Koslowski does not teach the speed of fan is not controlled based on the hygrothermal conditions. However, the claims are afforded their broadest reasonable interpretation.

In this instant application, claims 1 and 12 merely requires sensors detecting hygrothermal conditions of air, said electrical motor controlling a rotational speed of said tangential fan based on the hygrothermal conditions of said air sensed. It should be apparent that Koslowski teaches a thermostat (p.2 para.7) that senses **hygrothermal conditions** hygrothermal conditions are humidity and **temperature**, so since the thermostat senses temperature which is a hygrothermal condition, the thermostat senses a hygrothermal condition and it is further mentioned that the detection of water determines if the outside air inlet is locked, p.3 para.7. The air the thermostat is automatic and connected the ventilation fan sucking system (p.2 para.7 and p.4 para.2-4) and at the very least turns on and off the electrical motor controlling a rotational speed by being on or off.

The rejection of claims 1-20 is deemed proper.

Conclusion

Applicant's amendment necessitated the new ground(s)of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR '1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272 9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samantha Miller
Examiner
Art Unit 3749
7/7/2008

/Steven B. McAllister/

Supervisory Patent Examiner, Art Unit 3749